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Senate Amendment Submitted to Include the Manhattan Project National Historical Park Act in the FY14 Defense Authorization Act

Senator Cantwell, on behalf of herself and Senators Heinrich, Murray and Tom Udall, on November 21 submitted an amendment to add the Manhattan Project National Historical Park Act to the Senate's version of the Fiscal Year 2014 National Defense Authorization Act (S. 1197). The Senate has yet to vote on the amendment.

The next step for the Defense Authorization Act is unclear, as the Senate failed to pass the measure in late November due to disagreement over controversial amendments (not related to the Manhattan Project National Historical Park Act).

The House already passed its version of the Defense Authorization Act, which includes the Manhattan Project National Historical Park Act.

The full text of the amendment is copied below:

SA 2492. Ms. CANTWELL (for herself, Mr. HEINRICH, Mrs. MURRAY, and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by her to the bill S. 1197, to authorize appropriations for fiscal year 2014 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:
Subtitle E--Other Matters

SEC. 3141. MANHATTAN PROJECT NATIONAL HISTORICAL PARK.

(a) Findings.--Congress finds that--

(1) the Manhattan Project was an unprecedented top-secret program implemented during World War II to produce an atomic bomb before Nazi Germany;

(2) a panel of experts convened by the President's Advisory Council on Historic Preservation in 2001--

(A) stated that ``the development and use of the atomic bomb during World War II has been called `the single most significant event of the 20th century' "; and

(B) recommended that nationally significant sites associated with the Manhattan Project be formally established as a collective unit and be administered for preservation, commemoration, and public interpretation in cooperation with the National Park Service;

(3) the Manhattan Project National Historical Park Study Act (Public Law 108-340; 118 Stat. 1362) directed the Secretary of the Interior, in consultation with the Secretary of Energy, to conduct a special resource study of the historically significant sites associated with the Manhattan Project to assess the national significance, suitability, and feasibility of designating 1 or more sites as a unit of the National Park System;

(4) after significant public input, the National Park Service study found that ``including Manhattan Project-related sites in the national park system will expand and enhance the protection and preservation of such resources and provide for comprehensive interpretation and public understanding of this nationally significant story in the 20th century American history";

(5) the Department of the Interior, with the concurrence of the Department of Energy, recommended the establishment of a Manhattan Project National Historical Park comprised of resources at--

(A) Oak Ridge, Tennessee;

(B) Los Alamos, New Mexico; and

(C) Hanford, in the Tri-Cities area, Washington;

(6) designation of a Manhattan Project National Historical Park as a unit of the National Park System would improve the preservation of, interpretation of, and access to the nationally significant historic resources associated with the Manhattan Project for present and future generations to gain a better understanding of the Manhattan Project, including the significant, far-reaching, and complex legacy of the Manhattan Project; and

(7) the permanent historical preservation of the B Reactor at Hanford as part of the Manhattan National Historical Park would provide

significant savings to the Federal Government relative to placing the reactor into interim safe storage and subsequently dismantling the reactor--

(A) as determined as part of the Record of Decision entitled ``Decommissioning of Eight Surplus Production 3 Reactors at the Hanford Site, Richland, WA"; and

(B) as included within milestone M-093-00 of the Hanford Federal Facility Agreement and Consent Order.

(b) Purposes.--The purposes of this section are--

(1) to preserve and protect for the benefit and education of present and future generations the nationally significant historic resources associated with the Manhattan Project;

(2) to improve public understanding of the Manhattan Project and the legacy of the Manhattan Project through interpretation of the historic resources associated with the Manhattan Project;

(3) to enhance public access to the Historical Park, consistent with protection of public safety, national security, and other aspects of the mission of the Department of Energy; and

(4) to assist the Department of Energy, Historical Park communities, historical societies, and other interested organizations and individuals in efforts to preserve and protect the historically significant resources associated with the Manhattan Project.

(c) Definitions.--In this section:

(1) HISTORICAL PARK.--The term ``Historical Park" means the Manhattan Project National Historical Park established under subsection (d).

(2) MANHATTAN PROJECT.--The term ``Manhattan Project" means the Federal program to develop an atomic bomb ending on December 31, 1946.

(3) SECRETARY.--The term ``Secretary" means the Secretary of the Interior.

(d) Establishment of Manhattan Project National Historical Park.--

(1) ESTABLISHMENT.--

(A) IN GENERAL.--Subject to subparagraph (B), there is established in the States of Washington, New Mexico, and Tennessee a unit of the National Park System to be known as the ``Manhattan Project National Historical Park".

(B) DETERMINATION BY SECRETARY REQUIRED.--The Historical Park shall not be established until the date on which the Secretary determines that--

[Page: S8495]

(i) sufficient land or interests in land have been acquired from among the sites described in paragraph (2) to constitute a manageable park unit; or

(ii) the Secretary has entered into an agreement with the Secretary of Energy in accordance with subsection (e).

(2) ELIGIBLE AREAS.--The Historical Park may be comprised of 1 or more of the following areas or portions of the areas, as generally depicted on the map entitled ``Manhattan Project National Historical Park Sites", numbered 540/108,834-C (4 pages), and dated September 2012:

(A) OAK RIDGE, TENNESSEE.--Facilities, land, or interests in land that are--

(i) at Buildings 9204-3 and 9731 at the Y-12 National Security Complex;

(ii) at the X-10 Graphite Reactor at the Oak Ridge National Laboratory;

(iii) at the K-25 Building site at the East Tennessee Technology Park;

(iv) at the former Guest House located at 210 East Madison Road; and
(v) at other sites within the boundary of the city of Oak Ridge, Tennessee, that are not depicted on the map described in this paragraph, but are determined by the Secretary to be suitable and appropriate for inclusion, except that sites owned or managed by the Secretary of Energy may be included only with the concurrence of the Secretary of Energy.

(B) LOS ALAMOS, NEW MEXICO.--Facilities, land, or interests in land that are--

(i) in the Los Alamos Scientific Laboratory National Historic Landmark District or any addition to the Landmark District proposed in the National Historic Landmark Nomination--Los Alamos Scientific Laboratory (LASL) NHL District (Working Draft of NHL Revision), Los Alamos National Laboratory document LA-UR 12-00387 (January 26, 2012);

(ii) at the former East Cafeteria located at 1670 Nectar Street; and

(iii) at the former dormitory located at 1725 17th Street.

(C) HANFORD, WASHINGTON.--Facilities, land, or interests in land that are--

(i) in the B Reactor National Historic Landmark;

(ii) at the Hanford High School in the town of Hanford and Hanford Construction Camp Historic District;

(iii) at the White Bluffs Bank building in the White Bluffs Historic District;

(iv) at the warehouse in the Bruggemann's Agricultural Complex;

(v) at the Hanford Irrigation District Pump House; and

(vi) at the T Plant (221-T Process Building).

(3) AVAILABILITY OF MAP.--The map described in paragraph (2) shall be kept on file and available for public inspection in the appropriate offices of the National Park Service and the Department of Energy.

(e) Agreement.--

(1) IN GENERAL.--Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Energy (acting through the Oak Ridge, Richland, and Los Alamos site offices) shall enter into an agreement governing the respective roles of the Secretary and the Secretary of Energy in administering the facilities, land, or interests in land under the administrative jurisdiction of the Department of Energy that is to be included in the Historical Park, including provisions for public access, management, interpretation, and historic preservation.

(2) RESPONSIBILITIES OF THE SECRETARY.--Any agreement under paragraph (1) shall provide that the Secretary shall--

(A) have decisionmaking authority for the content of historic interpretation of the Manhattan Project for purposes of administering the Historical Park; and

(B) ensure that the agreement provides an appropriate role for the National Park Service in preserving the historic resources covered by the agreement.

(3) RESPONSIBILITIES OF THE SECRETARY OF ENERGY.--Any agreement under paragraph (1) shall provide that the Secretary of Energy--

(A) shall ensure that the agreement appropriately protects public safety, national security, and other aspects of the ongoing mission of the Department of Energy at the Los Alamos National Laboratory, Hanford Site, and Oak Ridge Reservation;

(B) may consult with and provide historical information to the Secretary concerning the Manhattan Project; and

(C) shall retain responsibility, in accordance with applicable law, for

any environmental remediation and structural safety that may be necessary in or around the facilities, land, or interests in land governed by the agreement.

(4) AMENDMENTS.--The agreement under paragraph (1) may be amended, including to add to the Historical Park facilities, land, or interests in land described in subsection (d)(2) that are under the jurisdiction of the Secretary of Energy.

(f) Public Participation.--

(1) IN GENERAL.--The Secretary shall consult with interested State, county, and local officials, organizations, and interested members of the public--

(A) before executing any agreement under subsection (e); and

(B) in the development of the general management plan under subsection (g)(2).

(2) NOTICE OF DETERMINATION.--Not later than 30 days after the date on which an agreement under subsection (e) is executed, the Secretary shall publish in the Federal Register notice of the establishment of the Historical Park, including an official boundary map.

(3) AVAILABILITY OF MAP.--The official boundary map published under paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) ADDITIONS.--Any land, interest in land, or facility within the eligible areas described in subsection (d)(2) that is acquired by the Secretary or included in an amendment to the agreement under subsection (e)(2) shall be added to the Historical Park.

(g) Administration.--

(1) IN GENERAL.--The Secretary shall administer the Historical Park in accordance with--

(A) this section; and

(B) the laws generally applicable to units of the National Park System, including--

(i) the National Park System Organic Act (16 U.S.C. 1 et seq.); and

(ii) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) GENERAL MANAGEMENT PLAN.--Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary, in consultation with the Secretary of Energy, shall complete a general management plan for the Historical Park in accordance with--

(A) section 12(b) of Public Law 91-383 (commonly known as the "National Park Service General Authorities Act") (16 U.S.C. 1a-7(b)); and

(B) the agreement established under subsection (e).

(3) INTERPRETIVE TOURS.--The Secretary may, subject to applicable law, provide interpretive tours of historically significant Manhattan Project sites and resources in the States of Tennessee, New Mexico, and Washington that are located outside the boundary of the Historical Park.

(4) LAND ACQUISITION.--

(A) IN GENERAL.--The Secretary may only acquire land and interests in land within the eligible areas described in subsection (d)(2) by--

(i) transfer of administrative jurisdiction from the Department of Energy by agreement between the Secretary and the Secretary of Energy; or

(ii) purchase from willing sellers, donation, or exchange.

(B) FACILITIES.--The Secretary may acquire land or interests in land in the vicinity of Historical Park for visitor and administrative facilities.

(5) DONATIONS; COOPERATIVE AGREEMENTS.--

(A) FEDERAL FACILITIES.--

(i) IN GENERAL.--The Secretary may enter into 1 or more agreements with the head of a Federal agency to provide public access to, and management, interpretation, and historic preservation of, historically significant Manhattan Project resources under the jurisdiction or control of the Federal agency.

(ii) DONATIONS; COOPERATIVE AGREEMENTS.--The Secretary may accept donations from, and enter into cooperative agreements with, State governments, units of local government, tribal governments, organizations, or individuals to further the purpose of an interagency agreement entered into under clause (i).

(B) TECHNICAL ASSISTANCE.--The Secretary may provide technical assistance to State, local, or tribal governments, organizations, or individuals for the management, interpretation, and historic preservation of historically significant Manhattan Project resources not included within the Historical Park.

(C) DONATIONS TO DEPARTMENT OF ENERGY.--For the purposes of this section, or for the purpose of preserving or providing access to historically significant resources relating to the Manhattan Project, the Secretary of Energy may accept, hold, administer, and use gifts, bequests, and devises (including labor and services).

The \$38 billion nuclear waste fiasco

Darius Dixon, Politico

November 30, 2013

[LINK](#)

Doing nothing often has a cost -- and when it comes to storing the nation's nuclear waste, the price is \$38 billion and rising.

That's just the lowball estimate for how much taxpayers will wind up spending because of the government's decades of dithering about how to handle the radioactive leftovers sitting at dozens of sites in 38 states. The final price will be higher unless the government starts collecting the waste by 2020, which almost nobody who tracks the issue expects. The first \$15 billion is what the government spent on a controversial nuclear waste repository at Nevada's Yucca Mountain until the Obama administration scrapped the project. The other \$23 billion is the Energy Department's estimate of the damages the government will have to pay to nuclear power utilities, which for the past 30 years have paid a fee to DOE on the promise that the feds would begin collecting their waste in 1998.

Industry argues that the damages are closer to \$50 billion -- which raises the bottom line to \$65 billion including the money spent on Yucca. The cost of the refunds is little known to the public, but it's such a huge liability that DOE tracks the figure closely. The government is still fighting the utilities' claims in court, but utilities have been racking up a string of wins.

The costs of inaction don't just include dollars. The lack of a final resting place for the waste means that each nuclear plant has to stockpile its own. Thousands of tons of waste are stranded at sites around the country, including at plants that have shut down.

"I'm trying to think of some fancy words, but at the end of the day it's just a massive consumer rip-off," said Greg White, a regulator on the Michigan Public Service Commission who also heads the nuclear waste panel for the National Association of Regulatory Utility Commissioners. NARUC, which represents state-level regulators, won a legal victory this month when the D.C. Circuit Court of Appeals ordered DOE to stop collecting the fee.

Salo Zelermyer, a former George W. Bush-era DOE attorney who works at the law firm Bracewell & Giuliani, said the waste program has "plainly broken down" and that the government had made "no discernible progress towards its commitments."

Energy Secretary Ernest Moniz also expressed frustration last month, calling the system of storing nuclear waste at reactor sites "politically unsustainable."

"For nuclear energy to be competitive here in the U.S. and ensure its safety and security abroad, we have to address the problem of disposition of used nuclear fuel and high-level waste," Moniz said during a panel discussion at an American Nuclear Society meeting. He previously served on a blue-ribbon commission that advised Obama on changes to the nation's nuclear waste policy.

But like others in the Obama administration, Moniz maintains that Yucca Mountain is not "a workable option."

Congress chose the Nevada site in 1987 as the country's sole permanent nuclear repository, but it continues to draw fierce opposition from many of the state's residents and elected officials. One of its most powerful opponents is Senate Majority Leader Harry Reid (D-Nev.), who blocked funding for the project and pushed the Obama administration to kill it -- something DOE did in 2010.

Reid and Sen. Ed Markey (D-Mass.) have long argued that the studies supporting the project were discredited because Congress short-circuited the site-selection process to focus solely on Yucca. The administration says the government needs to start over with a new waste site -- and this time, the selection process must be "consent based" to win public acceptance.

"When this administration took office, the timeline for opening Yucca Mountain had already been pushed back by two decades, stalled by public protest and legal opposition, with no end in sight," DOE spokeswoman Niketa Kumar said in an email.

The end is still far off. DOE's latest plan calls for a repository to open in 2048, although the department would try to open a temporary storage site by 2021. Even Yucca couldn't be finished until at least 2027 if the government were to revive it immediately, the Government Accountability Office estimated last year.

Meanwhile, DOE's Nuclear Waste Fund is sitting with more than \$25 billion in cash collected from utilities -- and their customers -- since 1983. The 0.1-cent charge for each nuclear-generated kilowatt-hour of electricity has recently added up to about \$750 million a year. The fund will continue to generate about \$1 billion in interest each year, even

though the appeals court zeroed out DOE's further collection of the fee until Congress passes a new nuclear waste program or the agency dusts off Yucca Mountain.

When it became clear DOE wasn't fulfilling its end of the bargain, utilities began demanding that the government repay them for the costs they've incurred to store the waste on their own. They include the costs for reconfiguring the increasingly crowded spent-fuel pools, moving and packaging the used fuel rods and providing maintenance services such as on-site security.

Utilities have filed at least 61 lawsuits in the past 15 years over the broken promise. And bills have ramped up quickly.

Payments to utilities totaled \$567 million by the end of September 2009, during Obama's first year in office. Three years later, they amount to more than \$2.6 billion, according to DOE financial reports.

The Justice Department is pushing back hard against the utilities, but one lawyer who follows the cases said DOJ is no longer using the "scorched earth" approach it once had. The lawyer said that's mainly because courts have agreed with many of the utilities' claims, giving government attorneys fewer legal options to stanch the flow of cash.

In another win for the utility side, the Court of Federal Claims on Nov. 14 ordered Treasury to pay \$235 million to the owners of three decommissioned nuclear plants in the Northeast -- Yankee, Maine Yankee and Connecticut Yankee -- on top of a \$160 million payment they extracted in February. Those sums cover the utilities' expenses through only 2008.

The costs for storing waste at plants with longer life spans will undoubtedly be even higher because the utilities will have to move more spent fuel from cooling pools into longer-term dry casks. Each cask costs about \$1 million plus handling.

Seeking to head off future payments, the government has made some little-noticed changes to DOE's waste contract with companies building new power reactors.

Southern Co. and SCANA, which are building four reactors in Georgia and South Carolina, respectively, essentially had to give up the major leverage points that power companies historically used to sue the government over waste storage. The new contract has a more flexible waste pickup schedule, limits the kinds of costs DOE is willing to compensate utilities for and caps certain damage claims.

Still, Moniz said this summer that DOE projects the damages will total as much as \$23 billion in the next 50 years -- assuming the government can haul the waste to either a temporary or permanent site beginning in 2020. Just two years ago, DOE's estimate was \$15 billion.

After 2020, the federal government will hand over an average of \$500 million a year as a result of the lawsuits.

The real twist of the knife for some DOE critics is that the agency doesn't supply the money it's losing in nuclear waste lawsuits. Payments to utilities are coming from every taxpayer through an indefinite Treasury

account that pays for general litigation against the government. Some critics say this has amounted to a double tax for taxpayers who also happen to get their power from a nuclear plant.

DOE has continued to justify the fee based on its latest nuclear waste strategy -- the one that envisions opening a repository in 2048. But the appeals court mocked the agency's defense and called some of DOE's positions "obviously disingenuous."

DOE's new plan came partly from the recommendations of the 15-member panel that Moniz participated in, which was led by former Rep. Lee Hamilton (D-Ind.) and former National Security Adviser Brent Scowcroft. Critics like White say they respect the commission's work but doubt the administration's sincerity.

"I'm not convinced, right at the moment, that the Department of Energy, under this current administration, has any interest in doing anything related to this program," White said. "They're basically biding time until the current president is no longer in office."

Meanwhile, attempted fixes in Congress have moved at a snail's pace.

Two years ago, Sen. Lisa Murkowski of Alaska, the top Republican on the Senate Energy and Natural Resources Committee, introduced a bill with Sen. Mary Landrieu (D-La.) to fast-track the approval of interim storage sites by offering large financial incentives for the communities hosting them. But the sizable price tag would have been peanuts compared with the liability taxpayers are facing.

Since then, Murkowski has worked with Senate energy panel Chairman Ron Wyden (D-Ore.) and Sens. Lamar Alexander (R-Tenn.) and Dianne Feinstein (D-Calif.) to address the price tag while acknowledging the political reality of Reid's opposition to Yucca. But their bill has stalled this year amid other congressional crises.

"Sen. Murkowski still believes that Yucca should still be on the table and that a permanent repository is necessary," said her spokesman Robert Dillon. "But in the interim, while there are political roadblocks to that, that doesn't mean you quit working on the liability issue."

Their legislation would create a new agency to handle nuclear waste and allow it to set up temporary storage locations, while requiring utilities to settle their lawsuits against the government in exchange for using the storage sites.

Former South Carolina regulator David Wright objected to that trade-off. Forcing utilities to settle would "perpetuate the untenable situation of prolonged on-site dry cask storage," he wrote the Energy Committee.

White also found the requirement hard to swallow, saying it could damage hopes for DOE to act on a permanent repository. "If utilities have to waive their rights to damage claims, then where is there any kind of impetus for the department to do anything?" he asked.

South Carolina Threatens Washington Over Cleanup

Matthew L. Wald, The New York Times

November 28, 2013

[LINK](#)

AIKEN, S.C. -- The Energy Department began cleaning up an environmental nightmare at the old Savannah River Site nuclear weapons plant here in 1996 and promised a bright future: Within a quarter-century, officials said, they would turn liquid radioactive bomb waste into a solid that could not spill or dissolve.

But 17 years later, the department has slowed the work to a pace that makes completion of the cleanup by the projected date of 2023 highly unlikely. Energy officials now say the work will not be done until well into the 2040s, when the aging underground tanks that hold the bomb waste in the South Carolina lowlands will be 90 years old.

"I don't know what the tanks' design life was intended to be, but it's not for infinity," the state's chief environmental official, Catherine B. Templeton, said in an interview.

The slowdown has set off a fierce battle between the Energy Department and South Carolina, where officials say they have been double-crossed in what they view as the state's biggest environmental threat. In an unusual display of resistance from a state that was host to a major part of the Cold War effort to make nuclear weapons -- and is now home to most of the resulting radioactive waste -- South Carolina is threatening to impose \$154 million in fines on the federal government for failing to meet its promised schedule.

Energy Department officials counter that the slowdown is a temporary effect of budget stringency in Washington and that Congress has tied their hands. A combination of the across-the-board budget cuts known as sequestration and a 2011 cap on military spending -- of which the environmental cleanup is technically part -- do not leave them with enough money to meet their commitments, they say.

"There's only so much to go around," said Terrel J. Spears, the Energy Department's assistant manager for waste disposition here. "We can't increase the budgets. Now we have to balance the budgets."

Energy officials acknowledge, however, that for each additional year the waste stays in the tanks, they will have to spend hundreds of millions of dollars on maintenance and security.

In South Carolina's reckoning, some of the money that should be spent on Savannah is going to a factory that the Energy Department is trying to finish at its Hanford nuclear reservation, near Richland, Wash., to process similar wastes there. But those wastes are more complex, and contractors have faced even tougher technical problems. That schedule has slipped repeatedly.

Giving more money to Hanford, Ms. Templeton insisted, was "rewarding bad behavior" by site managers there.

South Carolina and the Energy Department do agree on one thing: The current slowdown comes on top of past technical problems that pushed back the start of work by more than seven years and that more than doubled the cost.

Ms. Templeton said the tanks, which are near the Savannah River, already have leaks and are buried in soil below the water table, meaning that underground water flows around them.

"We have to get that waste out of the tanks so it's not Fukushima, so you don't have the groundwater interacting with the waste and running off," she said, referring to the damaged Fukushima Daiichi plant in Japan, where natural flows of subterranean water pick up contamination from the reactors and flow into the sea.

At the Washington State Department of Ecology, Suzanne Dahl, the tank waste treatment manager, said: "I feel their pain. We think the same things out here." All the deadlines there, in an agreement approved by a Federal District Court, will be missed. Ms. Dahl said that in the 1990s, her state approved a request by the Energy Department to delay work on solidifying wastes at Hanford while the technology was tried out first at Savannah River; Savannah River, therefore, has a 17-year head start, she said.

At Savannah, the Energy Department did succeed in building the world's largest factory for stabilizing the liquid bomb waste, done by mixing it with molten glass and pouring it into stainless steel canisters, 10 feet high by two feet across. The stabilized waste should then last for millennia.

The department has also perfected a technique for separating nearly all of the troublesome radioactive materials from salts in the underground tanks to reduce the volume that must be mixed with the molten glass. The rest of the radioactive material is mixed with cement that will bind it up for centuries. Last year the factory began the business of making the canisters and produced 325 of them -- a respectable fraction of the 7,824 department officials say will be needed.

Over the years, production at the factory has become smoother as machines run more hours of the year and parts that were expected to last for only four or five years have been used successfully for 10. Such longevity is an important factor at a place where the radiation fields are so intense that all the work has to be done by remote control.

But because of the budget constraints, the factory intends to produce only another 125 canisters for the fiscal year that began Oct. 1.

Employment at the waste site, which once ensured stronger political support for the Energy Department in this conservative state, has dropped to 1,800 workers who manage the tanks and processed the liquid wastes, from 2,200. Another vast construction project here -- a factory to turn weapons plutonium into reactor fuel -- is faltering because of technical issues and budget problems, which may be another reason that state officials feel free to challenge the Department of Energy.

The tanks, which hold 750,000 to 1.3 million gallons each, sit under artificial hills, and above them is a forest of industrial equipment, some a half-century old. The equipment is used to carry off the heat the waste generates from radioactive decay. The equipment also vents and scrubs the explosive gases the waste produces. Steam is used to heat air, which is then pumped around the tanks to keep the tanks dry and inhibit rust.

In part of the stop-and-go cleanup here, the plant that makes the steam once ran on coal and created air pollution, but now the plant burns wood and scrap tires and is clean. But like a lot of the infrastructure at Savannah, the plant could be retired if the tanks were emptied of their waste.

Another example of marching in place is an effort to refurbish the pumps that move the waste through a two-mile underground pipeline. This is similar to replacing the roof on a house that is going to be torn down -- although at the current rate of cleanup, the pipeline will be needed for decades.

In the meantime, the glass logs are only the penultimate stage of nuclear waste cleanup because eventually they must be buried somewhere themselves.

But with the cancellation of the proposed Yucca Mountain national nuclear waste repository in Nevada, the Energy Department is for now erecting more buildings to house the canisters.

Countdown to Another Fiscal Fail

Tim Alberta and Sarah Mimms, National Journal

December 1, 2013

[LINK](#)

Lawmakers in both parties could face a dangerous political dilemma after they return to Washington: Either endorse a second round of damaging sequester cuts or prepare for another government shutdown.

The situation is that stark, and it's coming on fast.

Budget negotiators led by House Budget Committee Chairman Paul Ryan and Senate Budget Committee Chairwoman Patty Murray are racing to beat a Dec. 13 deadline to draft a deal that would keep the government open beyond Jan. 15.

They could get it done. Even House Speaker John Boehner says he's hopeful. But other lawmakers and aides say the odds are not good, and that's why House Republicans are now prepared to pass a short-term continuing resolution to fund the government at the \$966 billion level that's dictated by the Budget Control Act, ushering in round two of the hated sequester cuts.

"I think there are smarter spending cuts that can replace these crude across-the-board cuts. I'm hoping [Murray] and I can come up with an

agreement to do that," Ryan said recently. "But if not, the law is the law."

The GOP strategy carries significant downside, however. Republicans want the spending cuts, but this next phase of sequestration includes politically tricky reductions to Pentagon spending--a \$20 billion slash that many lawmakers are desperate to stop.

House Republicans, particularly, could find themselves in a lose-lose situation. They acknowledge the damage done by October's shutdown saga and are determined to avoid a repeat in January, but many GOP lawmakers are afraid of cutting the Pentagon's funding.

Enough House Republicans represent military-heavy districts that any vote framed as supporting further sequestration could be unpredictable for GOP leadership. Boehner's team can afford to lose only 16 Republican votes before needing help from the other side of the aisle. And given the sequester's deep cuts to domestic programs, significant Democratic support for a continuing resolution that keeps the automatic reductions in place is unlikely.

One vocal GOP opponent of sequestration, House Appropriations Committee Chairman Hal Rogers, has for months warned his colleagues against ushering in a second round of across-the-board cuts. Rogers speculated last week there could be some "sequester relief" included in a short-term CR, but he did not elaborate on how that would happen.

Meanwhile, the Republican leadership, while open to replacing sequestration, has increasingly indicated that it will move forward with the cuts if Ryan and Murray cannot reach an agreement. Both Boehner and Senate Minority Leader Mitch McConnell have said that they will push their members to support the sequestration cuts, absent an agreement.

As the Dec. 13 deadline approaches with no indication of a deal at hand, even some of the party's most vocal opponents of sequestration have begun to soften their opposition.

"I don't like it, but I can live with it," said one Senate Republican lawmaker, who has previously spoken out against the sequester cuts and asked not to be identified.

Rep. Jack Kingston, R-Ga., a member of the Appropriations Committee and a vocal opponent of sequestration, said he couldn't yet agree to a CR that would lock in those deep spending cuts, particularly to the Pentagon.

But he, like many of his Republican colleagues, worries that budget negotiations will conclude on Dec. 13 without a deal. "I don't know that they're going to get anywhere," he said.

Kingston's preference would be to get a budget agreement and pass 12 appropriations bills for the remainder of the fiscal year. But absent a deal, Kingston said he would be open to supporting a continuing resolution that locked in sequestration.

"We desperately need to cut spending," Kingston said. "And sequestration is the only game in town that's doing it.... I would be reluctant to get rid of it without other, significant, spending cuts."

US Senate's DoD Bill 'in Jeopardy'

John T. Bennett, Defense News

December 1, 2013

[LINK](#)

WASHINGTON -- The typically easy-going chairman of the US Senate Armed Services Committee fumed. Sen. Carl Levin, D-Mich., had just seen members block a final vote on a must-pass Pentagon policy bill amid a partisan brouhaha over amendments and new filibuster rules.

So as Levin talked with a handful of reporters as he left the Senate chamber Nov. 20, he expressed "amazement" and, in a rare pessimistic moment, acknowledged the bill "is in jeopardy."

Just moments earlier, the chamber killed a procedural motion that would have set up a final vote on a bill that authorizes about \$522 billion in base 2014 defense funding, and another \$80 billion for global operations. It also contains myriad weapons program provisions and reporting requirements.

Levin and Senate Armed Services Ranking Member Sen. James Inhofe, R-Okla., had earlier in the week expressed confidence that the chamber would amend the bill -- though saying floor debate could get bumpy -- before Thanksgiving.

But as the week plodded on, the Senate again failed to perform its most basic charge: legislating.

Senate sources say Levin, Inhofe and senior staffers were working out how to proceed during a two-week Thanksgiving recess that began shortly after the National Defense Authorization Act (NDAA) was temporarily shelved. That includes a back-and-forth over how many amendments to address on the Senate floor and which ones will be excluded.

The latter point is the key to getting the NDAA process back on track in time to save a 51-year congressional streak of passing a final version of the legislation.

Republican Senate sources said they have a long list of NDAA amendments, and they intend to again fight Levin and Senate Majority Leader Sen. Harry Reid, D-Nev., to ensure those items receive a vote on the floor.

"Reid filled the tree [then] blocked amendments" that GOP senators wanted to add to their list, said an aide to Senate Minority Leader Mitch McConnell, R-Ky. "We have plenty of other amendments that we'd like to do, but they're not allowing those, either."

GOP aides blamed Reid, saying he does not want Democratic members to face tough votes on several hot-button issues as an election cycle begins. One is an Obamacare amendment that was pushed during the failed NDAA process by Sen. David Vitter, R-La.

A Vitter spokesman declined to comment on the senator's plans for NDAA Round 2. But an Inhofe aide left the door open to excluding Obamacare amendments, which Democrats said are not germane to a Pentagon policy bill.

One Republican source accused Reid of trying to avoid a vote on a new Iran sanctions amendment before the Thanksgiving break. But Reid appeared to bow to pressure from his own caucus by saying on Nov. 25 that the chamber would take up a sanctions bill in December.

While GOP aides spent the first recess week hammering Reid, Levin told reporters Nov. 20 that "we've got 50 amendments that we could agree to right now."

Late on the evening of Nov. 19, Levin said Inhofe delivered a list of about 20 additional amendments from GOP senators that he and other Democratic leaders had never seen.

"There was just a whole lot of amendments which had not been agreed to by Democrats," Levin said. "I'm amazed by it."

Levin subtly questioned whether Republicans would ever drop their demands for an "open" amendment process by expressing bewilderment at Republicans blocking a vote on two must-address amendments on Pentagon sexual assault policy.

"Everybody agrees" those must "be voted on," Levin vented. "Why couldn't we vote on that yesterday, when the majority leader said, let's vote on these two -- why not?"

"We could have done this in a week, frankly, if there weren't any objections to making progress on amendments that both sides agreed to," Levin told reporters.

"We get the argument there's another list of amendments that we haven't agreed to that they want us to [approve] without agreeing to the ones we have agreed to," Levin said, closing his eyes and shaking his head. "It becomes a bottomless pit."

A spokeswoman for Inhofe declined to comment on Levin's description of the NDAA breakdown.

NDAA proponents were working behind the scenes to avoid a sequel when the bill hits the floor again, likely the week of Dec. 9, sources said. The Senate could just start over when it reconvenes, taking the entire week to finish the NDAA and possibly giving a House-Senate conference committee time to come up with a compromise that could be approved by

both chambers before Dec. 31.

Sen. John McCain, R-Ariz., raised the notion of bringing up the House version, quickly adding some amendments and moving to a conference committee.

Or the Senate could pass the bill without amendments by a unanimous consent vote.

"One year we did it with no amendments," Levin said. "We're not trying to do it with no amendments."

But, the retiring Levin made clear -- as was echoed in conversations with aides the following week -- the two sides remain far apart on how to handle the hundreds of amendments senators want to offer.

"There's a huge difference," he said. "The number might be the only thing in common."

Energy Department Selects Global Laser Enrichment for Future Operations at Paducah Site

DOE Press Release

November 27, 2013

[LINK](#)

Washington, D.C. - The U.S. Department of Energy announced today that it will open negotiations with Global Laser Enrichment (GLE) for the sale of the depleted uranium hexafluoride inventory. The Department determined that GLE offered the greatest benefit to the government among those who responded to a Request for Offers (RFO) released earlier this year. Through the RFO review process, the Department also decided to enter into negotiations with AREVA for the off-specification uranium hexafluoride inventory.

"Today, after months of hard work and ahead of our anticipated end-of-year decision, I am pleased to announce that the Department has selected GLE and AREVA for potential projects that provide value to American taxpayers by reducing the costs of cleanup at the sites and creating high-paying technical jobs in the State of Kentucky," said Deputy Secretary of Energy Daniel Poneman. "These selections represent an important next step as the Department continues planning for potential future uses and ongoing cleanup efforts at the Paducah site."

GLE proposed licensing, constructing, and operating a new laser enrichment facility that could potentially provide significant compensation to the Department for its depleted uranium hexafluoride inventories, as well as supporting U.S. policy interests and utilization of the Paducah site. The GLE offer also included the potential lease or use of existing Paducah Gaseous Diffusion Plant facilities, infrastructure, and utilities. The company's commercial operation also has the potential to produce substantial economic benefit to the Paducah region through the addition of highly skilled technical jobs and increasing the local tax base.

The AREVA proposal utilizes its nuclear fuel fabrication facility in

Richland, Washington, to process the off-specification uranium hexafluoride as blend stock for domestic nuclear reactor fuel. AREVA has well-established technology and licensed operations for blending this type of material with other uranium feed material.

GLE and AREVA were selected following an RFO for the sale of depleted and off-specification uranium hexafluoride inventories, issued in July. The materials are currently housed at the Paducah, Kentucky, and Portsmouth, Ohio, Gaseous Diffusion Plant facilities. The RFO built on an Expression of Interest released earlier this year that provided the Department with confirmation that a number of parties are interested in utilizing the uranium inventories and potentially in using land or facilities at the Paducah site.

Who was involved in Y-12/Pantex decision?

Frank Munger's Atomic City Underground

November 27, 2013

[LINK](#)

As was posted earlier, Bob Raines was the Source Selection Authority for the decision announced Nov. 1 on the Y-12/Pantex combined contract, which reaffirmed the earlier contract award -- made in January - to the Bechtel-led Consolidated Nuclear Security team.

Raines, pictured right, is the National Nuclear Security Administration's associate administrator for acquisition and project management, and he replaced Michael Lemke, who served as the SSA on the first-go-round on the \$22 billion contract award (actually Lemke replaced Neile Miller toward the end of the initial procurement as decision-time grew near in late 2012). Bruce Held, interim administrator of the NNSA, reportedly tapped Raines for the SSA role in mid-September in order to get another exec's evaluation of the three proposals for the giant contract.

Anyway, the contract award is under protest, again, and it may stay that way until the Government Accountability Office rules on the latest challenge (reported to be 126 pages, tightly spaced, or thereabouts) by the B&W-led Nuclear Production Partners team, which was one of the losing bidders. The GAO ruling is due by the end of February, and until then the transition of contractors at the nuclear weapons facilities in Oak Ridge and Amarillo, Texas, is frozen.

A lot has happened over the past year, of course. After the GAO upheld part of the initial round of protests in late April, the NNSA thought about it and later agreed to a plan to try to correct the identified weakness (involving an insufficient review of the three bidders' projected cost savings under the contract).

The NP2 team, however, wasn't pleased with the NNSA's course of corrective action and filed a second protest in June, which the GAO denied in late September -- albeit with caveats. In the meantime, the National Nuclear Security Administration was presumably working hard behind the scenes on how to proceed with the next stage of the procurement and make it stick.

By summertime, the NNSA wasn't saying much publicly about the whole contract process, and a spokesman for the federal administration even declined to say who was still serving on the contract's Source Evaluation Board.

More recently, after the latest contract award and the new protest by NP2 (the third bidder, Integrated Nuclear Production Solutions, did not file a protest this time around, according to a report this week by Todd Jacobson of Nuclear Weapons and Materials Monitor), I asked the NNSA for some additional information about the decisionmaking process for the contract award announced Nov. 1.

Specifically, I asked if the Source Evaluation Board looked at the new material provided by the proposing teams and made recommendations to Bob Raines or if Raines looked at the materials solely.

NNSA spokeswoman Keri Fulton said in an email response to questions, "Many of the original members of the SEB were involved in the corrective action process."

However, Fulton said the evaluation board for the NNSA's correction action was called an Integrated Project Team (IPT), instead of an SEB.

"The IPT evaluated the FPRs (final proposal revisions) and addendums, then documented their findings in an IPT Supplemental Evaluation Report, which was provided to the SSA," Fulton responded. "In addition, the SSA (Raines) reviewed the original SEB Report among numerous other pieces of information in conducting his best value determination. The SSA, Mr. Raines, selection decision is based on his independent judgment."

I've asked some questions about the participation of others in the decisionmaking process but haven't heard back yet. The NNSA so far has refused to name the members of the Integrated Project Team.

In the meantime, the GAO folks are presumably getting a little holiday break before heading back to their review of what's reported to be a multi-faceted protest by the Nuclear Production Partners team.

Since B&W also heads the existing contractor teams (along with Bechtel) that manage the Y-12 and Pantex plants, all is not lost at this point, and the corporation continues to collect substantial fees for those big contracts while the review process continues.

So, I guess that's where things stand right now.

Nuclear waste burial site near Great Lakes attracts debate

Laura Barron-Lopez, The Hill
November 26, 2013

[LINK](#)

Attempts by a Canadian power company to bury nuclear waste near the Great Lakes are being met with fierce opposition, according to a report

by the Associated Press.

The proposed site is 2,230 feet below the surface and less than one mile away from Lake Huron, which borders Michigan and the Canadian province of Ontario.

Ontario supports the plan while loud objections are coming from Michigan and its lawmakers.

"Neither the U.S. nor Canada can afford the risk of polluting the Great Lakes with toxic nuclear waste," Democratic Reps. Dan Kildee, Sander Levin, John Dingell and Gary Peters of Michigan said in a letter to a panel that will make a recommendation to Canada's federal government, which has the final say. Michigan's two senators, Democrats Carl Levin and Debbie Stabenow are asking the State Department to get involved.

The decision on the proposed site is expected sometime next spring.

The future of SRS: Budget fight at the federal level

Derrek Asberry, Aiken Standard
November 25, 2013

[LINK](#)

In the first two articles of this three-part series, local and state legislators shared their thoughts and action plans to help the SRS budget crisis. Many of them alluded to communicating with federal legislators on the issue.

Those federal legislators have also shared their plans for SRS.

U.S. Sen. Lindsey Graham

U.S. Sen. Lindsey Graham, R-S.C., said he is focusing primarily on the effects of sequestration at SRS. Graham said sequestration cuts directly impact tank cleanup, the MOX fuel fabrication facility and future SRS missions.

He also said he believes other federal programs get their required funding, while the Department of Energy suffers.

"I've been trying to find ways to replace sequestration with a larger budget," Graham said. "Most federal funding is spent on Medicare and Social Security. It crowds out money for other agencies like DOE (the Department of Energy)."

The senator referenced the SRS tank closure plan that will save DOE about \$16 billion.

For Graham, those savings are imperative because they'll help DOE maintain its federal commitment and avoid fines from the S.C. Department of Health and Environmental Control for DOE missing SRS cleanup deadlines.

"It is imperative we keep the tank closure goal on track," Graham said. "I'm also working feverishly to help the MOX program, but the budget pressure created by sequestration is putting a strain on the Site, and Congress is taking a toll on the DOE."

Long term, Graham said his main goal is making sure the Site has a future beyond cleanup programs that date back to the Cold War. He mentioned potential future missions, such as the development of small modular reactors - or SMRs.

"SMRs are going to be the future of nuclear. I would like to do that research at SRS," Graham said. "MOX is also a relevant mission, and I want to see it move in a new direction. So I think every day of ways to ensure that SRS has a future beyond the Cold War missions."

U.S. Sen. Tim Scott

U.S. Sen. Tim Scott, R-S.C., said he has been in communication with DOE by submitting several letters to DOE Secretary Ernest Moniz.

For example, Scott recently submitted a letter on Nov. 20 regarding radioactive waste removal. Much like Graham, Scott said he feels that a lack of funding will cause DOE to miss deadlines at the Site.

"The remediation process has made important progress recently; unfortunately, the administration has again misplaced its priorities when it comes to taxpayer dollars and SRS," Scott told the Standard. "I'm hopeful that the DOE will renew its commitment to waste remediation and avoid over \$150 million in avoidable fines that will have to be paid to the state at the expense of taxpayers because the administration missed important environmental goals."

Scott said he is continuing to work with the local delegation to send a message to the Obama administration. He said the administration's efforts to underfund SRS are detrimental to South Carolina's economy and environment.

In a September letter, Scott called for the completion of the MOX facility in order to uphold the country's agreement with Russia to dispose of weapons-grade plutonium. In addition, Scott believes constructing the facility will also satisfy South Carolina's residents, who have been spending tax dollars on MOX for years.

"Completing the MOX facility still represents the best use of taxpayer dollars when it comes to meeting our country's commitments to processing weapons-grade nuclear material," Scott said. "The Obama administration should not back out of those commitments."

Scott has collaborated with other legislators on these issues. His Nov. 20 letter was also signed by U.S. Rep. Joe Wilson, R-S.C., and U.S. Rep. Mark Sanford, R-S.C., among others. His September letter was also signed by Wilson, Graham and several others.

U.S. Rep. Joe Wilson

Similar to Scott, Wilson has also advocated for the Site through letters to

DOE. On Nov. 14, Wilson submitted a letter to all members of the Budget Conference Committee in Washington, D.C. Wilson asked the committee to consider alternatives to the budget crisis that won't continue to cut funding from DOE and SRS.

"The Savannah River Site provides the country with defense environmental cleanup efforts, nuclear weapons activities and fulfills international nonproliferation agreements," Wilson's letter states. "SRS has been forced to furlough and lay off thousands of workers over the last year. The Site has also seen dramatic scaling back of vital national security missions that will drive up the overall costs of these projects." Wilson's letter also stated that sequestration cuts are necessary; however, cuts to SRS is not the way to balance the budget. "Making arbitrary cuts to essential defense and radioactive environmental cleanup missions is not the way to balance our budget," Wilson stated in his letter. "This will only jeopardize our national security and, at the same time, drive up costs for the projects in the out years." In addition to the recent letter, Wilson said his advocacy for the Site was apparent during the government shutdown.

On Oct. 11, Wilson was one of several legislators that fought for the passing of the Nuclear Weapon Security and Non-Proliferation Act - a bill that funded the National Nuclear Security Administration throughout the remainder of the government shutdown. The bill included the MOX facility, which falls under the National Nuclear Security Administration. Even with the success of the bill, Wilson said he is still focused on environmental management missions at the Site, as well. Temporary funding

Temporary funding at the Savannah River Site is only expected to last until Jan. 15. At that time, SRS will be vying for a full budget, another continuing resolution or will be facing even more budget problems that may result in more layoffs and furloughs.

Derrek Asberry is a beat reporter with the Aiken Standard news team and joined the paper in June. He is originally from Vidalia, Ga., and graduated from Georgia Southern University with a journalism degree in May 2012.

Draft FY 2014-2018 EPA Strategic Plan Available, Comments Due January 3

EPA Federal Register Notice
November 19, 2013

[LINK](#)

The U.S. Environmental Protection Agency (EPA) is announcing the availability of the Draft FY 2014-2018 EPA Strategic Plan for public review and comment, as part of the periodic update required by the Government Performance and Results Act (GPRA) Modernization Act of 2010 (Pub. L. 111-352). The agency anticipates the final Strategic Plan will be submitted to Congress in February 2014. The Strategic Plan provides the Agency's long-term direction and strategies for advancing human health and the environment. For this notice, the EPA is seeking comment from individual citizens, states, tribes, local government, industry, the academic community, non-governmental organizations, and

all other interested parties. The agency is particularly interested in feedback addressing strategies contained in the goal narratives, cross-cutting fundamental strategies, and strategic measures. The agency made targeted revisions to our existing Plan that seek to advance efforts to address our changing climate, protect our precious water and land resources, and advance chemical safety. The Plan seeks to outline how EPA will make a visible difference in communities across the country by advancing sustainability, innovation and providing sound scientific advice, technical and compliance assistance and other tools that support states, tribes, cities, towns, rural communities, and the private sector. Under this Plan, EPA will continue to improve the way we do business, engaging closely with our public sector partners at all levels and the regulated community to achieve environmental benefits in the most pragmatic, collaborative, and flexible way possible--for our children and future generations.

GAO: DOE needs to improve oversight of Work for Others

Frank Munger's Atomic City Underground
November 25, 2013

[LINK](#)

The Government Accountability Office released a report today saying the Department of Energy needs to increase its oversight of the so-called "work for others" -- work done for other federal agencies, etc. -- at its national laboratories.

Oak Ridge National Laboratory, which is DOE's largest and most diverse Science lab, is also one of the leaders in doing work for others. In Fiscal Year 2012, ORNL did about \$207 million in work for others out of a total budget of \$1.62 billion -- or about 13.5 percent of its total budget. That was the third most among all national labs, with Sandia performing the most outside work (\$803 million), which accounted for almost a third of its budget.

In its intro, the report noted, "In a time of uncertainty over future federal budgets and calls to reduce spending, DOE may have difficulty sustaining its current laboratory structure." That, in turn, could make labs more dependent on outside funding from other agencies and potential impact overall objectives.

The amount and type of work depends on the individual laboratories and their missions, the report said citing an explanation from the Department of Energy. Because Sandia has experience in systems engineering, its work was highly sought after from other federal agencies, the report said.

The Department of Defense is one of DOE's biggest customers, and ORNL was among the six DOE labs doing most of that work. Those labs were identified as Idaho, Lawrence Livermore, Los Alamos, Oak Ridge, Pacific Northwest and Sandia.

According to the GAO report, the Department of Energy has not always ensured that work for others programs requirements are consistently met or the agency has largely depended on the labs to make those

determinations.

Also, DOE has not always lived up to its requirement for achieving cost recovery for the projects done for outside agencies.

The report concluded that the WFO program enables DOE to share the labs' highly specialized facilities, cutting-edge technologies and top scientists and technicians, but has fallen short in making sure the federal requirements are met and that the costs of these outside projects are being delivered.

